

**DRAFT**

## HAMPSTEAD BOARD OF ADJUSTMENT MINUTES

JUNE 3, 2020

MEMBERS PRESENT: Hank Riehl, Neil Emerson, Proc Wentworth, and alternates Randy Clark and Karen Hanides. Attending electronically were Geoff Dowd and Dale Blaine. Also present in the room was Chief Building Official Kris Emerson.

Chairman Dowd, communicating from home, read a statement pursuant to Executive Order 2020-04 permitting the public body to meet electronically due to the Covid-19 pandemic and per the Governor's Order #13 to meet the requirements of the Right to Know Law. He also thanked all those who provided extra time and effort to make the meeting – the first of its kind – come together. He then turned the meeting over to vice-chairman, Hank Riehl who was present in the Meeting Room.

All applicants and all abutters to each hearing were notified of the hearing procedures and plans for each applicant were available for viewing by calling the Town Office.

Gail Witham – 152 Emerson Ave. 12/5

The hearing was continued from March. Dale recused himself and Karen sat in. The request was for a Special Exception to permit the long-term use of cargo containers for storage. Ms. Witham told the board she was still waiting for an insurance settlement for damage from a broken water pipe. The insurance company told her that all containers have to remain on her property. She has hired a public adjuster. There are four containers that have been there for nine months and another in the back from five years ago when she said she had to clean out her mother's house. There were photos submitted showing the containers in the front and debris in the rear. There were also letters from abutters from Wain, Lapierre and Maurice opposing any continued use of the containers. Hank reminded the board that the application was for a Special Exception only and does not pertain to enforcement. He said the Zoning Ordinance is specific that storage units are not allowed long term. A Special Exception requires that the spirit of the ordinance is met and that it is not detrimental to neighboring properties. Ms. Witham said she is a victim of a burst water pipe and that the Covid-19 pandemic has caused businesses to shut down. The insurance

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company has taken photographs of 1,600 items taken from the house and the basement. She said there is \$100,000 in damage and she's waiting for the settlement. Hank asked about the storage unit in the back that has been there for 4-5 years. He asked if she had a Special Exception for that one. She did not. She said she is going to need a dumpster. Hank read abutters' letters stating such remarks as the fact that the situation is getting worse every year; it has brought down the value of their homes; she has made no attempt to clean up her property; health and safety issues, and that zoning only allows storage containers for three weeks. Karen said everything can be seen from the road. Hank reiterated that the board is only looking at the Special Exception's long-term use and the effect on neighbors. Neil said he could see why the abutters are upset. Geoff said if the Town didn't have an ordinance the insurance company would pay to have them stay there. Hank said if the board votes to deny, it will go to enforcement. He said she has had many months. Neil made a motion to allow the continued use of the storage containers. Proc seconded. There was a roll call vote: Karen, Hank, Neil, Proc voted against from the room; Geoff voted against from home. Kris told her she would get a letter of denial which she can show to her insurance company. It refers to the pods and all contents. He said they need to leave the property and that they need to be removed immediately – locked and with all contents. Ms. Witham asked for a copy of the letters from abutters and the decision notice. She was told she could have them the next day.

MICHAEL TODESCA 8B/28 24 Abbie Lane

The request was for a Special Exception to permit the rebuilding of a structure after fire. Those voting members were Geoff, Hank, Neil, Proc and Randy. Kurt Meisner of Meisner-Brem Corp. represented the applicant. There were certified plans. It will be a new structure, further away from the lake – from 15.7 feet to 16.3. He said it will meet the front setback. There was a Shoreland Impact statement. Kris has reviewed the plans. At first it did not meet the one and a half stories but it was revised to reflect the changes. Randy said it looked like two stories. He was told there is a walk-out. The building will be 24 ft. high. Hank

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the structure will harm the interest he has in his property. He said there needs to be an impartial appraiser of his property value. He said by going up in height, it will affect his view. Geoff said the properties are not connected and they are not going outside the setbacks. He said it will extend out two feet but still meets the requirements. He said it also meets the height requirement. The new house will have two bedrooms. Karen said David Somers is up the hill behind the lot. Neil said this was the best set of plans he's seen in years. Geoff agreed. Hank said it's an improvement to the neighborhood. It takes a camp and makes it a more modern home and it meets regulations. Neil made a motion to permit rebuilding of a structure that will be no more encroaching, per plan submitted. Proc seconded. The vote was 4-1 in favor with Proc, Hank, Neil and Geoff voting in favor and Randy voting against.

NICOLA TODESCA 8b/29 26 Abbie Lane

The request was for a Special Exception to permit the rebuilding of a structure with a larger one. Kurt Meisner was also the representative. Dale stepped down. Voting members were Geoff, Proc, Neil, Hank and Randy. There is a Shoreland Permit. There was a plan showing the raising of the house. It will be no closer to lot lines. It will be less non-conforming. He said it will increase the value of the lot and neighboring lots. There is a new state-approved septic system. Neil said it looks like two stories. Kris said it has been changed to meet the requirements. Karen asked about the deck. Mrs. Meisner said it will be replaced with a new one – further from the lake. Kris said it meets the requirements. Hank said there is no encroachment on lot lines so no variance is needed. Geoff read a letter from David Somers who said his property abuts both lots. He said it will be 24x26 and is going up in height so it will affect his view of Sunset Lake. Geoff said the building height is within the ordinance. Randy read from "story above grade" in the ordinance. He questioned what was below grade. Mr. Meisner said two sides are below grade. An existing retaining wall will be removed. Proc made a motion to permit the rebuilding of a structure with a larger one, no closer to lot lines, per plan presented. Neil seconded the motion and the vote was unanimous to grant the request.

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STONEBROOK LAND DEVELOPERS, LLC 10/5

There was a request from the applicant to withdraw the application. The vote was unanimous to grant the withdrawal.

RICHARD GARCIA 8B/69 18 Harris Ave.

The request was for a Special Exception to permit an existing two-bedroom dwelling to increase to three bedrooms. Jim Lavelle represented the applicant. Voting members were Geoff, Hank, Neil, Proc and Randy. Jim said the board had previously approved the building of the house for two bedrooms. He said the septic is for three bedrooms and Mr. Garcia would like to be approved for three. Kris said the septic was designed for three bedrooms. There will be no alterations to the structure. One room is being used as a den, with no closet. Geoff said it's suitable for three bedrooms. Hank said it meets the criteria. There was a caller – Helen Guilmette, 12 Shore Dr. – who said the house was previously a one bedroom cottage. Now it is a large home and asking for three bedrooms. Kris said It was two bedrooms with one bathroom, according to the property record card. Karen said she had talked to the previous owner who said it had one bedroom. Neil made a motion to allow three bedrooms. Proc seconded and the vote was unanimous to grant the request.

CCE #1, LLC 18/17

There was a request to continue the hearing until July 1. It was unanimous to grant the continuance.

RICHARD TOWNE & BRUCE WORTHEN 6/6

The request was for a Special Exception to permit commercial lot coverage to be 16.07 percent at 17 Gigante Dr. Jim Lavelle represented the applicants. The voting members were Geoff, Proc, Karen, Hank and Neil. Randy stepped down. There will be no parking in front. Jim said the extra building will not have any effect on abutters. They are condos – one in front and two in back. Geoff asked shouldn't it be the condo association as the applicant and not Towne and Worthen. There is limited common area. Neil read a letter from the association owners. The property record card has Towne and Worthen as owners. Hank said

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the board is only voting on lot coverage. Parking will be added. Jim said the Planning Board will review the plan. Kris said it would be handled under Site Plan Review. Geoff said he was concerned about ownership with Dryden Realty. Mr. Towne said he would get a letter from them. Proc made a motion to permit 16.07 percent lot coverage. Karen seconded and there was a roll call vote: Karen and Geoff abstained. Hank, Neil and Proc voted in favor. The motion passed.

EMILY BALKUS 17/17 22 Cortland Rd.

The request was for a variance to permit construction of a garage too close to the side lot line. Jim Lavelle represented the applicant. Voting members were Geoff, Neil, Proc, Hank and Karen. Jim said it is a narrow lot. The garage will be 24 x 28 with only 16 ft. side setback. He said a shed would be removed. Geoff said he sees a lot of open space. Jim said this is the owner's choice. Karen said it could be turned. Jim said the house meets setbacks. Jim read the criteria for a variance. He said there would be no diminution of values, it is not contrary to the ordinance, and special conditions that the lot is only 125 ft. wide and ½ acre. Hank said the setbacks are for the neighbors – not for the applicant. Geoff made a motion to permit construction of a garage too close to the side lot line, per plan presented. Neil seconded. Members filled out their variance worksheets. There was a roll call vote: Proc and Neil voted in favor: Karen, Hank and Geoff voted against. The request was denied. Hank said there is ample other space to site the garage and meet setbacks. Jim said it's a reasonable request because of the narrow lot.

OTHER BUSINESS

Minutes – The minutes of the March meeting were unanimously approved by Geoff, Dale, Proc, Randy and Karen.

Respectfully submitted,

